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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

SMITH & WESSON BRANDS, INC.,  
SMITH & WESSON INC.,

Plaintiffs,

v.

SW NORTH AMERICA, INC.,

Defendants.

Case No.: 2:22-cv-01773-JCM-EJY

**STIPULATION AND ORDER FOR  
EXTENSION OF TIME FOR  
DEFENDANT SW NORTH AMERICA,  
INC. TO FILE RESPONSIVE  
PLEADING TO PLAINTIFFS'  
COMPLAINT**

**(Second Request)**

Pursuant to Fed. R. Civ. P. Rule 6(b)(1)(A) and LR IA 6-1, Plaintiffs SMITH & WESSON BRANDS, INC. and SMITH & WESSON INC. ("Plaintiffs" or "Smith & Wesson"), by and through the law offices of BALLARD SPAHR LLP, and Defendant SW NORTH AMERICA, INC. ("SWNA"), by and through the law offices of GALLIAN WELKER & ASSOCIATES, L.C., hereby stipulate and agree to extend the time for Defendant SWNA to file an answer or other responsive pleading to Smith & Wesson's Complaint up to and including December 15, 2022. This is the second request to extend the responsive pleading deadline, and good cause exists for granting this extension, as attempts to effect a negotiated resolution remain ongoing.

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**I. PROCEDURAL HISTORY**

1. On October 20, 2022, Plaintiffs filed their Complaint [ECF No. 1], initiating this action.

2. On October 21, 2022, the Court issued the summons as to SWNA, with service of process being effected on SWNA on October 25, 2022 [ECF No. 9]; accordingly, the initial deadline for a responsive pleading by SWNA is November 15, 2022.

3. On November 7, 2022, the parties submitted their first Stipulation for Extension of Time for Defendant SW North America, Inc. to File Responsive Pleading to Plaintiffs' Complaint [ECF No. 14], with the Order [ECF No. 17] thereon being entered by the Court the same day.

4. Pursuant to colloquy between respective counsel, ongoing efforts to achieve a negotiated resolution of the matter, and reasonable allowance of time for SWNA to prepare its responsive pleading, as necessary, the parties hereby submit this second stipulation to extend the time for SWNA to file a responsive pleading.

**II. LEGAL STANDARD**

Fed. R. Civ. P. Rule 6(b)(1) governs extensions of time and allows, in relevant part, that "[w]hen an act may or must be done within a specified time, the court may, for good cause, extend the time: (A) with or without motion or notice if the court acts, or if a request is made, before the original time or its extension expires." If additional time for any purpose is needed, the proper procedure is to present a request for extension of time before the time fixed has expired. *Canup v. Mississippi Val. Barge Line Co.*, 31 F.R.D. 282 (W.D. Pa. 1962).

An extension of time may always be sought and is usually granted on a showing of good cause if timely made under subdivision (b)(1) of the Rule. *Creedon v. Taubman*, 8 F.R.D. 268 (N.D. Ohio 1947). Also, a district court possesses the inherent power to control its own docket. *Hamilton Copper & Steel Corp. v. Primary Steel, Inc.*, 898 F.2d 1428, 1429 (9th Cir. 1990); *Olivia v. Sullivan*, 958 F.2d 272, 273 (9th Cir. 1992). LR IA 6-1 additionally requires that a motion to extend time must state the reasons for the extension requested and will not be granted if requested after the expiration of the specified period unless the movant demonstrates that the failure to file the motion before the deadline expired resulted because of excusable neglect.

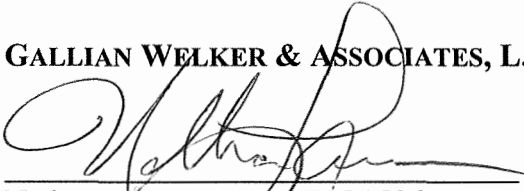
1 **III. ARGUMENT**

2 As noted above, this is the second request for an extension of time from the current  
3 deadline of December 5, 2022. This extension is timely, presented to the Court prior the expiry  
4 of the noted deadline. Communication between the parties has been initiated regarding the subject  
5 matter of the dispute with the goal of negotiating an amicable settlement to avoid any necessity  
6 for furtherance of the instant litigation. These continuing efforts constitutes good cause for  
7 granting this request for extension of time up to and including December 15, 2022, for SWNA to  
8 file a responsive pleading.

9  
10 **IT IS SO STIPULATED.**

11  
12 DATED this 2<sup>nd</sup> day of December 2022.

13 **GALLIAN WELKER & ASSOCIATES, L.C.**

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22 *Attorneys for Defendant*  
23 *SW North America, Inc.*

12 DATED this 2<sup>nd</sup> day of December 2022.

13 **BALLARD SPAHR LLP**

14 */s/ Andrew S. Clark*  
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25 *Smith & Wesson Inc.*

26  
27 **IT IS SO ORDERED.**

28 DATED: December 2, 2022

  
UNITED STATES MAGISTRATE JUDGE